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13 LLC, Good Samaritan Hospital Medical Staff, Steven M. Schwartz, M.D., and  
Bruce G. Wilbur, M.D.  
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15 IN THE UNITED STATES DISTRICT COURT  
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

17  
18 J. AUGUSTO BASTIDAS, M.D.;  
19 Plaintiff,  
20 vs.

21 GOOD SAMARITAN HOSPITAL LP,  
a Delaware Limited Partnership;  
22 SAMARITAN LLC, a Delaware limited  
liability company; GOOD SAMARITAN  
23 HOSPITAL MEDICAL STAFF,  
a California unincorporated association;  
24 HCA, Inc., a Delaware corporation;  
STEVEN M. SCHWARTZ, M.D.; and  
25 BRUCE G. WILBUR, M.D.

26 Defendants.

17 CASE NO. C-13-4388-SI

JOINT STIPULATION TO CONTINUE  
PRETRIAL AND TRIAL DATES AND  
[PROPOSED] ORDER

Honorable Susan Illston

Complaint Filed: September 20, 2013  
Trial Date: November 30, 2015

WHEREAS, the operative complaint in this action, the Third Amended Complaint, was filed on August 6, 2014 [Doc. No. 83];

WHEREAS, the Court issued orders continuing the hearing on Defendants' Motion to Dismiss the Third Amended Complaint to December 12, 2014, and continuing the Initial Case Management Conference to December 12, 2014 [Doc. Nos. 86, 88, 91] and the Court issued its Order Granting in Part and Denying in Part Defendants' Motion to Dismiss on December 8, 2014 [Doc. No. 93];

WHEREAS, the answer to the Third Amended Complaint was filed on April 15, 2015 [Doc. No. 99];

WHEREAS, under the original schedule in the Pretrial Preparation Order [Doc. No. 95], the trial was scheduled for November 30, 2015 with dispositive motions to be heard by September 11, 2015 and expert discovery cut off as of October 30, 2015;

WHEREAS, by Joint Stipulation and Order to Extend Time to File Dispositive Motions and Continue Related Deadlines [Doc. No. 108, Doc. No 110], on August 7, 2015, the date for filing dispositive motions was extended to August 28, 2015, the oppositions to dispositive motions were set for September 11, 2015, the replies were set for September 18, 2015; and the hearing on the dispositive motions was set for October 2, 2015;

WHEREAS, by Joint Stipulation to Extend Briefing Dates and Order [Doc. No. 119 , Doc., No. 120] on September 10, 2015, opposition to the summary judgment was set for September 16, 2015; reply briefs for the summary judgment were set for September 28, 2015; and the hearing on summary judgment was set for October 16, 2015;

WHEREAS, by Joint Stipulation and Order to Extend Time to File Dispositive Motions and Continue Related Deadlines [Doc. No. 130] on October 1, 2015 the Court ordered that the Parties

shall designate experts by October 26, 2015; the deadline for designating experts for rebuttal was set for November 2, 2015; and the expert discovery cutoff date set for November 13, 2015;

WHEREAS the motion for summary judgement, the opposition to the summary judgment and the reply briefs have all been filed;

WHEREAS, by its Order for Supplemental Briefing [Doc. No. 126] on September 30, 2015 the court ordered supplemental briefs on defendants' motion for summary judgment to be filed October 13, 2015 and defendants timely filed their supplemental brief;

WHEREAS, severe injuries resulting from being hit by an automobile, including fractures of the skull, spine, rib and pelvis, put plaintiff's counsel in the San Francisco General Hospital Trauma Unit through October 12, 2015 and have since greatly restricted his ability to work;

WHEREAS, the parties initially agreed and the Court ordered that the plaintiff should file its Supplemental Brief on October 26, 2015 and that the summary judgment oral argument would be rescheduled for November 9, 2015 [Doc. No. 134];

WHEREAS the parties have further conferred and agreed, based on the continuing restrictions on plaintiff's counsel work, in the interests of providing adequate time for expert designation and discovery and pretrial preparation, subject to the Court's approval, upon the following revised schedule for the trial date and pretrial dates:

- Plaintiff's Supplemental Brief, ordered by the Court on October 26, 2015 shall be filed November 9, 2015;
  - Defendants may file a reply brief to Plaintiff's Supplemental Brief on November 17, 2015;
  - A hearing on the summary judgment motion will be held on November 20, 2015 or

1 a date thereafter that is convenient for the Court;

- 2 • The parties shall Designate their Expert Witnesses by December 7, 2015;
- 3 • Rebuttal Expert Witnesses shall be identified by December 18, 2015;
- 4 • Expert Discovery shall be completed by January 15, 2016;
- 5 • The Pretrial Conference date shall be February 17, 2016; and
- 6 • The Jury Trial date shall be February 29, 2016.

7 WHEREAS, these modification will not alter the dates of any other events or deadlines fixed  
8 by any Court order.

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10 **IT IS HEREBY STIPULATED AND AGREED**, subject to the Court's approval, that:

- 11 • Plaintiff's Supplemental Brief, ordered by the Court on October 26, 2015 shall be filed  
12 November 9, 2015;
- 13 • Defendants may file a reply brief to Plaintiff's Supplemental Brief on November 17,  
14 2015;
- 15 • A hearing on the summary judgment motion will be held on November 20, 2015 or  
16 a date thereafter that is convenient for the Court;
- 17 • The parties shall Designate their Expert Witnesses by December 7, 2015;
- 18 • Rebuttal Expert Witnesses shall be identified by December 18, 2015;
- 19 • Expert Discovery shall be completed by January 15, 2016;
- 20 • The Pretrial Conference date shall be February 17, 2016; and
- 21 • The Jury Trial date shall be February 29, 2016.

1 DATED: October 23, 2015

HENNEFER, FINLEY & WOOD, LLP

2 By: /s/ James A. Hennefer  
3 James A. Hennefer

4 Attorneys for Plaintiff  
5 J. Augusto Bastidas, M.D.

6 DATED: October 23, 2015

7 GIBSON, DUNN & CRUTCHER LLP

8 By: /s/ Michael Li-Ming Wong  
9 Michael Li-Ming Wong

10 Attorneys for Defendants  
11 Good Samaritan Hospital LP, Good  
12 Samaritan Hospital Medical Staff,  
13 Samaritan LLC, Steven M. Schwartz,  
14 M.D. and Bruce G. Wilbur, M.D.

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## ~~[PROPOSED]~~ ORDER

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED: 10/29 , 2015

By:

*Susan Merton*

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## HONORABLE SUSAN ILLSTON

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DATED: 10/29, 2015 By: *Susan Illston*  
HONORABLE SUSAN ILLSTON

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**JOINT STIPULATION TO CONTINUE PRETRIAL AND TRIAL DATES AND [PROPOSED] ORDER  
*Bastidas v. Good Samaritan, et al.*** Case No. C-13-4388 SI

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## FILER'S ATTESTATION

I, James A. Hennefer, hereby attest that concurrence in the filing of this Joint Stipulation to Continue Pretrial and Trial Dates and [Proposed] Order has been obtained from each of the other signatories listed above, each of whom authorizes me to affix their electronic signature to this Joint Stipulation to Extend Briefing Date and Oral Argument and [Proposed] Order and to file it electronically.

Dated: October 23, 2015

Respectfully submitted,

HENNEFER, FINLEY & WOOD, LLP

By: /s/ James A. Hennefer

James A. Hennefer

Attorneys for J. Augusto Bastidas, M.D.